

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

---

In re Application of:	John Border <i>et al.</i>	Confirmation No.:	1446
Application No.:	09/662,072	Group Art Unit:	2157
Filed:	September 14, 2000	Examiner:	El, Chanti, Hussein
Attorney Docket:	PD-200053		

---

For: PERFORMANCE ENHANCING PROXY AND METHOD FOR ENHANCING  
PERFORMANCE

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In a telephonic conversation initiated by Applicant's representative to Ms. LaShawn Hinton, Patent Appeal Center Specialist, on April 1, 2009, attempting to clarify the grounds for the Notification of Non-Compliant Appeal Brief of March 17, 2009, Ms. Hinton agreed that the Notification should not have been sent and would be withdrawn.

Accordingly, this should serve as a complete response to the Notification of Non-Compliant Appeal Brief of March 17, 2009.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

April 2, 2009  
Date

/Phouphanomketh Dithavong/  
Phouphanomketh Dithavong  
Attorney for Applicant(s)  
Reg. No. 44658

Errol A. Krass  
Attorney for Applicant(s)  
Reg. No. 60090

918 Prince Street  
Alexandria, VA 22314  
Tel. 703-519-9952  
Fax. 703-519-9958